



## 2005 SENATE BILL 41

February 2, 2005 – Introduced by Senators COWLES, KAPANKE, HARSDF, BROWN, LASSA, MILLER, OLSEN, RISSER and WIRCH, cosponsored by Representatives OTT, NERISON, MONTGOMERY, FREESE, GRONEMUS, HAHN, BALLWEG, HINES, LOEFFELHOLZ, PETROWSKI, MUSSER, TOWNS, AINSWORTH, ALBERS, BIES, KRAWCZYK, MOLEPSKE, KESTELL, NELSON, VRAKAS, TOWNSEND and LEHMAN. Referred to Committee on Natural Resources and Transportation.

1     **AN ACT to amend** 16.045 (1) (b) 1., 16.045 (1) (c), 168.03 and 168.14 (2); and **to**  
2             **create** 168.14 (2m) of the statutes; **relating to:** the definition of biodiesel fuel  
3             and the labeling, advertising, and promoting of biodiesel fuel and biodiesel fuel  
4             blends for sale.

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### *Analysis by the Legislative Reference Bureau*

Various provisions exist under current law that prohibit a seller of petroleum products from giving incorrect information regarding the product as to name, grade, and composition. This bill prohibits sellers of biodiesel fuel from advertising or offering for sale fuel labeled as pure biodiesel fuel unless the fuel contains no other type of petroleum product, the fuel is registered as biodiesel fuel with the federal government, and the fuel meets all of the applicable requirements of the American Society for Testing and Materials.

The bill also prohibits sellers from selling fuel labeled as a biodiesel blend unless the fuel contains at least 2 percent pure biodiesel fuel and meets all of applicable requirements of the American Society for Testing and Materials that are applicable to biodiesel blends.

Finally, the bill defines biodiesel fuel for purposes of these prohibitions and expands the definition under current law of “biodiesel fuel” for purposes of existing provisions that encourage the use of alternative fuels in state-owned vehicles.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 16.045 (1) (b) 1. of the statutes is amended to read:

2           16.045 (1) (b) 1. ~~Bio-diesel~~ Biodiesel fuel.

3           **SECTION 2.** 16.045 (1) (c) of the statutes is amended to read:

4           16.045 (1) (c) “~~Bio-diesel~~ Biodiesel fuel” means a fuel derived from soybean oil  
5 ~~with glycerine extracted from the oil~~ that is comprised of monoalkyl esters of long  
6 chain fatty acids derived from vegetable oils or animal fats, either in pure form or  
7 mixed in any combination with petroleum-based diesel fuel.

8           **SECTION 3.** 168.03 of the statutes is amended to read:

9           **168.03 Petroleum products defined.** “Petroleum products” means gasoline,  
10 gasoline-alcohol fuel blends, kerosene, fuel oil, burner oil and diesel fuel ~~oil~~.

11           **SECTION 4.** 168.14 (2) of the statutes is amended to read:

12           168.14 (2) No person may receive, unload, use, sell or offer for sale in this state,  
13 any gasoline, gasoline-alcohol fuel blends, kerosene, fuel oils, diesel fuels or other  
14 petroleum distillates which the person knows, or reasonably should know, is  
15 misidentified as to name or grade. Gasoline-ethanol blends that are identified in  
16 compliance with s. 168.11 when sold at retail are correctly identified as to name.  
17 Biodiesel blends that are identified in compliance with sub. (2m) (c) 4. when sold at  
18 retail are correctly identified as to name.

19           **SECTION 5.** 168.14 (2m) of the statutes is created to read:

20           168.14 (2m) (a) “Biodiesel fuel” means a fuel that is comprised of monoalkyl  
21 esters of long chain fatty acids derived from vegetable oils or animal fats.

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1 (b) No person may represent, advertise, label, or otherwise promote for sale a  
2 fuel as being biodiesel fuel unless the fuel meets all of the following requirements:

3 1. The fuel is registered as biodiesel fuel by a manufacturer under 40 CFR Part  
4 79.

5 2. The fuel is pure biodiesel fuel, is identified as such with the alphanumeric  
6 B100, and does not contain any petroleum product, any additive, or other foreign  
7 material.

8 3. The fuel meets all of the applicable requirements of the American Society for  
9 Testing and Materials.

10 (c) No person may represent, advertise, label, or otherwise promote for sale a  
11 fuel as being a blend of biodiesel and petroleum-based fuel unless the fuel meets all  
12 of the following requirements:

13 1. The volume percentage of the biodiesel fuel to the petroleum-based fuel is  
14 at least 2 percent.

15 2. The fuel is blended with petroleum-based diesel fuel.

16 3. The fuel meets all of the applicable requirements of the American Society for  
17 Testing and Materials.

18 4. The volume percentage under subd. 1. is disclosed to the purchaser and is  
19 identified by use of the alphanumeric Bxx, with a number replacing the xx in the  
20 alphanumeric and with that number representing the volume percentage of  
21 biodiesel fuel in the biodiesel fuel blend.

22 (END)